

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 5/5/2023

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 BRANDIN SANTIAGO,

Petitioner,

-v-

D. UHLER, SUPERINTENDENT,

Respondent.
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18-cv-2849 (LJL)

ORDER

LEWIS J. LIMAN, United States District Judge:

Petitioner Brandin Santiago moves for reconsideration of this Court's order of January 2, 2023, Dkt. No. 40, adopting the report and recommendation of Magistrate Judge Valerie Figueredo recommending that Petitioner's petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 be denied, Dkt. No. 38. Petitioner argues that the Magistrate Judge erred in rejecting his claim that his conviction was not supported by sufficient evidence as unexhausted and procedurally defaulted and, in the alternative, as without merit. Dkt. No. 43.

The Court has reviewed the Report and Recommendation and Petitioner's motion. The motion does not raise any issues that were not previously considered by Magistrate Judge Figueredo or by this Court. The motion also does not identify any errors in the Report and Recommendation. The Magistrate Judge properly determined both that the claim was unexhausted and procedurally defaulted and that it was without merit. Accordingly, Petitioner's motion is denied.

The Court certifies, under 28 U.S.C. § 1915(a)(3), that any appeal from this order would not be taken in good faith, and therefore in forma pauperis status is denied for the purpose of an appeal. *See Coppedge v. United States*, 369 U.S. 438, 444–45 (1962).

The Clerk of Court is respectfully directed to mail a copy of this Order to Petitioner.

SO ORDERED.

Dated: May 5, 2023
 New York, New York



LEWIS J. LIMAN
 United States District Judge